

**Notice of Allowability****Application No.**

10/659,469

**Examiner**

Robert E. Pezzuto

**Applicant(s)**

SAWYER, THOMAS E.

**Art Unit**

3714

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the telephone interview of October 9, 2007.

2.  The allowed claim(s) is/are 1,12-14,16-27,29-38 and 40-51.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

5.  Notice of Informal Patent Application

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.

7.  Examiner's Amendment/Comment

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

**DETAILED ACTION**

***Note: The Office Action mailed September 10, 2007 is hereby vacated in light of the following:***

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James Bindseil on October 9, 2007.

The application has been amended as follows:

In the claims:

Claim 28 was canceled.

32. (Currently Amended) A method of playing a card game, comprising:

dealing to at least one player a hand of at least five cards from at least one deck of playing cards;

establishing a card game including each respective hand, wherein the card game comprises a Poker game portion and an auxiliary game portion, wherein the Poker game portion is playable in conjunction with the standard rules for Poker and comprises a Poker game payout, wherein the auxiliary game portion comprises a bonus prize, wherein both the Poker game payout and the bonus prize are based on the at least five cards in each respective hand, wherein the bonus prize corresponds to each respective hand having four royal cards out of the at least five cards, wherein the four royal cards comprise any four of an ace, a king, a queen, a jack, and a ten, and wherein the four royal cards comprise four cards of the same suit;

receiving a Poker game portion ante, at least one Poker game portion wager, and an auxiliary game portion ante from each of the at least one player, wherein the Poker game portion ante comprises an indication of participation in the Poker game portion, wherein the auxiliary game portion ante comprises an indication of participation in the auxiliary game portion;

for the Poker game portion of the card game, determining the Poker game payout for each hand based on the at least five cards in the respective hand, wherein determining the Poker game payout for each hand is further based on receiving the Poker game portion ante and the at least one Poker game portion wager; and

for the auxiliary game portion of the card game, determining the bonus prize for each hand based on any four of the at least five cards in the respective hand comprising the four royal cards, wherein determining the bonus prize for each hand is further based on receiving the auxiliary game portion ante.

36. (Currently Amended) The method of claim 32, further comprising receiving a card game ante from each player, the card game ante comprising the Poker game portion ante and the auxiliary game portion ante comprising an indication of participation

~~in the Poker game portion~~, and wherein determining the Poker game payout for each hand is further based on receiving the card game ante.

38. (Currently Amended) The method of claim 32, further comprising receiving a card game ante from each player, the card game ante comprising the Poker game portion ante and the auxiliary game portion ante and further comprising an indication of participation in both the Poker game portion and the auxiliary game portion, and wherein determining the bonus prize for each hand is further based on receiving the card game ante.

Claim 39 was canceled.

40. (Currently Amended) The method of claim 32, further comprising:  
receiving a card game ante from each player, the card game ante comprising the Poker game portion ante and the auxiliary game portion ante comprising an indication of participation in at least one of the Poker game portion and the auxiliary game portion;  
wherein dealing further comprises dealing at least one card to each remaining player in each of a plurality of rounds in accordance with the Poker game portion until the at least one player receives the at least five cards;  
receiving a selection from each player whether to wager in at least a first one of the plurality of rounds;  
for each player selecting to wager in the first one of the plurality of rounds, taking a first Poker game portion wager;  
for each player selecting not to wager in the first one of the plurality of rounds:  
taking the card game ante; and

taking the respective player out of the Poker game portion and the auxiliary game portion.

44. (Currently Amended) The method of claim 43, wherein awarding the bonus prize for each hand further comprises awarding the bonus prize based on receiving a card game ante corresponding to the respective hand, wherein the card game ante comprises the Poker game portion ante and the auxiliary game portion ante.

45. (Currently Amended) The method of claim 43, wherein awarding the bonus prize for each hand further comprises awarding the bonus prize based on receiving [[an]] the auxiliary game portion ante corresponding to the respective hand.

***Conclusion***

Any inquiry concerning this communication should be directed to Robert E. Pezzuto at telephone number (571) 272-6996.



Robert E Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714